

专 利 合 作 条 约

PCT

专利性国际初步报告

(PCT 第II章)

(PCT 36 和细则 70)




申请人或代理人的档案号 IEC040018PCT	关于后续行为 参见 PCT/IPEA/416 表	
国际申请号 PCT/CN2004/000276	国际申请日(日/月/年) 29.3 月 2004(29.03.2004)	优先权日(日/月/年) 27.3 月 2003(27.03.2003)
国际专利分类(IPC)或者国家分类和 IPC 两种分类 IPC ⁷ : A61K31/7008, A61P39/02		
申请人 中国人民解放军第三军医大学 等		

1. 本报告是国际初步审查单位根据条约 35 做出的国际初步审查报告, 并依照条约 36 将其传送给申请人。
2. 本报告共计 4 页, 包括扉页。
3. ☐ 本报告还有附件,
 - a. ☐ (传送给国际局和申请人)共计 ____ 页, 包含
☐ 修改后的并且作为本报告基础的说明书修改页、权利要求书修改页和/或附图修改页, 和/或对
 本国际初步审查单位所做出的更正页(见 PCT 细则 70.16 和行政规程 607)。
☐ 国际初步审查单位认为修改超出原始公开范围的废除页, 参见第 I 栏第 4 项和补充栏。
 - b. ☐ (传送给国际局) 共计 (指明电子载体的类型和数量) ____, 包含有在与序列表有关的补充栏中
 指明的计算机可读形式的序列表和/或与其相关的表格。(行政规程 802)

3. 本报告包括关于下列各项的内容:

- I ☒ 报告的基础
- II ☐ 优先权
- III ☒ 不做出关于新颖性、创造性和工业实用性的意见
- IV ☐ 缺乏发明的单一性
- V ☒ 按条约 35(2)关于新颖性、创造性或工业实用性的推断性意见; 支持这种意见的引证和解释
- VI ☐ 引用的某些文件
- VII ☐ 国际申请中的某些缺陷
- VIII ☐ 对国际申请的某些意见

提交要求书的日期 25.10 月 2004(25.10.2004)	完成本报告的日期 18.3 月 2005(18.03.2005)
中华人民共和国国家知识产权局 IPEA/CN 中国北京市海淀区西土城路 6 号(100088) 传真号: (86-10)62019451	授权官员  电话号码 (86-10)62085236

I. 报告的基础

1. 关于所使用的语言, 除本项下另有说明外, 本书面意见基于的语言为提交本国际申请时所使用的语言。

☐ 本书面意见基于原始语言的使用后述语言之译文 _____,

这种语言是

☐ 为了国际检索而提交的译文所使用的语言(细则 12.3 和 23.1 (b))。

☐ 为了国际申请的公布而提交的译文所使用的语言(细则 12.4)。

☐ 为了国际初步审查而提交的译文所使用的语言(细则55.2和/或55.3)。

2. 关于国际申请中各个部分, 本报告基于(申请人为答复受理局根据条约 14 所发通知而提交的替换页, 在本报告中视为“原始提交”的文件, 不作为本报告的附件)

☒ 原始提交的国际申请。

☐ 说明书, 第 _____ 页 原始提交的, _____ 初审单位收到的, _____ 初审单位收到的。

☐ 权利要求, 第 _____ 页, 原始提交的, _____ 初审单位收到的, _____ 按条约 19 条修改的(附有说明), _____ 初审单位收到的, _____ 初审单位收到的。

☐ 附图, 第 _____ 页, 原始提交的。第 _____ 页*, _____ 初审单位收到的, 第 _____ 页*, _____ 初审单位收到的。

☐ 序列表和/或相关表格——参见与序列表有关的补充栏。。

3. 修改导致以下内容的删除:

☐ 说明书, 第 _____ 页

☐ 权利要求, 第 _____ 项

☐ 附图, 第 _____ 页, 图 _____

☐ 序列表(具体说明) _____

☐ 与序列表相关的表格(具体说明) _____

4. ☐ 由于本报告附件的(某些)修改, 如下所列, 被认为超出了原始公开的范围, 如补充栏所示, 因此本报告是按照没有修改的情况做出的(细则 70.2(c))。

☐ 说明书, 第 _____ 页

☐ 权利要求, 第 _____ 项

☐ 附图, 第 _____ 页, 图 _____

☐ 序列表(具体说明) _____

☐ 与序列表相关的表格(具体说明) _____

*如果第 4 项适用, 一些或全部的文件页可能做出“废除”标记。

III. 对于新颖性、创造性和工业实用性不做出审查意见

1. 对于:

☐ 整个国际申请

☒ 权利要求 4-7.

没有审查所要求保护的发明是否具有新颖性, 创造性(非显而易见性), 或者工业实用性, 因为:

☒ 该国际申请, 或所述权利要求 4-7.

涉及下列无须进行国际初步审查的主题(具体说明):

权利要求 4-7 涉及人或动物的治疗方法(PCT 细则 67.1(iv)).

☐ 说明书、权利要求或者附图(下面特别指明的部分)或者所述权利要求不清楚, 以致不能形成任何有意义的审查意见(具体说明):

☐ 权利要求书或所述权利要求 没有得到说明书的充分支持, 以致不能形成任何有意义的审查意见。

☐ 对权利要求 没有做出任何国际检索报告。

☐ 无法进行有意义的国际初步审查, 因为核苷酸和/或氨基酸序列表不符合行政规程附件 C 中所规定的标准:

书面形式的序列表

☐ 没有提交。

☐ 不符合标准。

计算机可读形式的序列表

☐ 没有提交。

☐ 不符合标准。

☐ 如果仅以计算机可读形式提交, 与核苷酸和/或氨基酸序列表相关的表格, 不符合行政规程附件C之二规定的技术要求。

☐ 详情见补充栏。

V. 按条约 35 (2)关于新颖性、创造性或工业实用性的推断性意见；支持这种意见的引证和解释

1. 意见

新颖性(N)	权利要求	1-3	是
	权利要求		否
创造性(IS)	权利要求	1-3	是
	权利要求		否
工业实用性(IA)	权利要求	1-3	是
	权利要求		否

2. 引证和解释 (细则 70.7)

权利要求 1-3 符合 PCT 条约 33(2)和(3)的规定, 因为现有技术没有公开、教导或者暗示了本发明权利要求 1-3 要求保护的内容。

权利要求 1-3 符合 PCT 条约 33(4)有关工业实用性的规定, 因为它们在产业上能够应用。

PATENT COOPERATION TREATY

PCT

REC'D 13 APR 2005

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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference IEC040018PCT		FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/CN2004/000276	International filing date (day/month/year) 29. Mar. 2004(29.03.2004)	Priority date (day/month/year) 27. Mar. 2003(27.03.2003)	
International Patent Classification (IPC) or national classification and IPC IPC ⁷ : A61K31/7008, A61P39/02			
Applicant THIRD MILITARY MEDICAL UNIVERSITY, CHINESE PEOPLE'S LIBERATION ARMY, P.R. OF CHINA, et al			
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>4</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>			
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input checked="" type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>			
Date of submission of the demand 25. Oct. 2004(25.10.2004)		Date of completion of this report 18. Mar. 2005(18.03.2005)	
Name and mailing address of the IPEA/ 6 Xitucheng Rd., Jimen Bridge, Haidian District, 100088 Beijing, China		Authorized officer Jiang Hui	
Facsimile No. 86-10-62019451		Telephone No. 86-10-62085236	

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/CN2004/000276

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

☒ the international application as originally filed/furnished

☐ the description:
 pages _____ as originally filed/furnished
 pages * _____ received by this Authority on _____
 pages * _____ received by this Authority on _____

☐ the claims:
 pages _____ as originally filed/furnished
 pages * _____ as amended (together with any statement) under Article 19
 pages * _____ received by this Authority on _____
 pages * _____ received by this Authority on _____

☐ the drawings:
 pages _____ as originally filed/furnished
 pages * _____ received by this Authority on _____
 pages * _____ received by this Authority on _____

☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/CN2004/000276

Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

This questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application

☒ claims Nos. 4-7

because:

☒ the said international application, or the said claims Nos. 4-7

relate to the following subject matter which does not require an international preliminary examination (*specify*):

Claims 4-7 are directed to methods of treatment of the human/animal body (under PCT rule 67.1(iv)).

☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. _____ are so unclear that no meaningful opinion could be formed (*specify*):

☐ the claims, or said claims Nos. _____ are so inadequately supported by the description that no meaningful opinion could be formed.

☐ no international search report has been established for said claims Nos. _____

☐ the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:

the written form

☐ has not been furnished

☐ does not comply with the standard

the computer readable form

☐ has not been furnished

☐ does not comply with the standard

☐ the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-bis of the Administrative Instructions.

☐ See Supplemental Box for further details.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/CN2004/000276

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

1. Statement:

Novelty (N)	Claims <u>1-3</u>	YES
	Claims _____	NO
Inventive step (IS)	Claims <u>1-3</u>	YES
	Claims _____	NO
Industrial applicability (IA)	Claims <u>1-3</u>	YES
	Claims _____	NO

2. Citations and explanations (Rule 70.7)

Claims 1-3 meet the criterion set out in PCT Article 33(2) and (3), because the prior art did not disclose or teach or fairly suggest the invention claimed.

Claims 1-3 meet the criterion set out in PCT Article 33(4), for industrial applicability.